

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHRISTOPHER J. WALSH, as he is ADMINISTRATOR,
CONSTRUCTION TEAMSTERS HEALTH AND
WELFARE FUND and INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL 379,
Plaintiffs

C.A. No. 04-12053 GAO

vs.

BAY STATE SWEEPING & CONSTRUCTION CORP.,
Defendant

and

EASTERN BANK,
Trustee

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST BAY STATE SWEEPING & CONSTRUCTION CORP.**

Now come the Plaintiffs (hereinafter, the "Fund"), and request the Clerk, pursuant to Rule 55(b)(l), Fed.R.Civ.P., to enter default judgment in favor of the Fund and against Defendant Bay State Sweeping & Construction Corp. (hereinafter "Bay State"), holding Bay State liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, and reasonable attorneys' fees and costs as follows:

- | | | |
|----|--|-------------|
| A. | Principal owed to the Funds through December, 2002: | \$42,293.21 |
| B. | Prejudgment interest if unpaid contributions
are paid by September 30, 2005, as mandated
by 29 U.S.C. §1132(g)(2)(B) | \$7,642.34 |
| C. | Liquidated damages as mandated by 29 U.S.C.
§1132(g)(2)(C)(i) | \$7,642.34 |
| D. | Attorneys' Fees as mandated by §1132(g)(2)(D) | \$3,932.50 |

E. Costs	\$295.53
	TOTAL
	\$61,805.92

As grounds therefore, Plaintiffs state that default has been entered against Defendant for failure to answer or otherwise defend as to the Complaint of the Plaintiffs. Plaintiffs' claim is for a sum certain. Finally, Defendant is neither an infant nor an incompetent person.

WHEREFORE, Plaintiffs respectfully request that default judgment be entered against Bay State Sweeping and Construction Corp.

Respectfully submitted,

CHRISTOPHER J. WALSH, as he is
ADMINISTRATOR, of the
CONSTRUCTION TEAMSTERS
HEALTH AND WELFARE FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
 Anne R. Sills, Esquire
 BBO #546576
 Gregory A. Geiman
 BBO #655207
 Segal, Roitman & Coleman
 11 Beacon Street, Suite #500
 Boston, MA 02108
 (617) 742-0208

Dated: September 9, 2005

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiff's Motion for Entry of Default Judgment Against Bay State Sweeping & Construction Corp. has been served by certified and first class mail upon the defendant, Bay State Sweeping & Construction Corp. at 369 3rd Street, Everett, MA 02149 this 9th day of September, 2005.

/s/ Gregory A. Geiman
 Gregory A. Geiman, Esquire